

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard C. Vogel

Serial No.: 09/458,280

Filed: December 10, 1999

For: THERAPEUTIC APPARATUS FOR
TREATING ULCERS

MAIL STOP 313 (c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

§ Examiner: Danton D. Demille

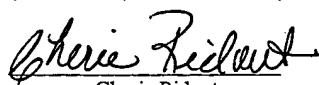
§ Group Art Unit: 3764

§ Attorney Docket No.: VAC.331 A

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37 C.F.R. § 1.8

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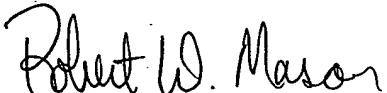

Cherie Ridout

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of candor and good faith to disclose all information known to be material to patentability under 37 C.F.R. § 1.56, the Examiner is requested to consider the following reference in accordance with 37 C.F.R. §§ 1.97-98 and make it of record in the above-referenced application.

Respectfully submitted,



Robert W. Mason

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1

of 7

Application Number	09/458,280
Filing Date	December 10, 1999
First Named Inventor	VOGEL, Richard C.
Art Unit	3764
Examiner Name	DEMILLE, Danton D.

Attorney Docket Number VAC.331A.US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 1355846	10-19-1920	Rannells	Figs. 1,2
		US- 2547758	04-03-1951	Keeling	Fig. 2
		US- 2632443	03-24-1953	Lesher	Figs. 1-3
		US- 2682873	07-06-1954	Evans et al.	Fig. 2
		US- 2969057	01-24-1961	Simmons	Figs. 1-6
		US- 3367332	02-06-1968	Groves	Figs. 1, 4
		US- 3648692	03-14-1972	Wheeler	Fig. 1
		US- 3682180	08-08-1972	McFarlane	Fig. 3
		US- 3826254	07-30-1974	Mellor	Fig. 2
		US- 4080970	03-28-1978	Miller	Column 1 - Column 3
		US- 4096853	06-27-1978	Weigand	Column 3, Lines 2-20
		US- 4139004	02-13-1979	Gonzalez	Column 4
		US- 4165748	08-28-1979	Johnson	Fig. 2
		US- 4245630	01-20-1981	Lloyd et al.	Fig. 1
		US- 4261363	04-14-1981	Russo	Figs. 1, 4, 5
		US- 4275721	06-30-1981	Olson	Fig. 1
		US- 4284079	08-18-1981	Adair	Fig. 3
		US- 4297995	11-03-1981	Golub	Fig. 1
		US- 4333468	06-08-1982	Geist	Fig. 2, 4

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		AU-550575-A1	08-26-1982	Wright	P.4, lines 7-10	
		EP-0100148	02- 1984	Naylor, et al	Abstract	
		WO 96/05873	02-29-1996	Lina		
		WO 97/18007	05-22-1997	Hunt		
		EP-0161865	11-21-1985	Ward		
		EP-0117632-A2	01-1984	JMcCracken		

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Sheet 2

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Application Number	09/458,280
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Art Unit	3764
Examiner Name	DEMILLE, Danton D.

Attorney Docket Number VAC.331A.US

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		Number-Kind Code ² (if known)			
		US- 4373519	02-15-1983	Errede et al.	Column 4
		US-			
		US- 4392853	07-12-1983	Muto	Fig. 11
		US- 4392858	07-12-1983	George et al.	Column 3, Lines 5-58
		US- 4419097	12-06-1983	Rowland	Fig. 8
		US- 4475909	10-09-1984	Eisenberg	Figs. 1, 3, 6
		US- 4480638	11-06-1984	Schmid	Figs. 2, 3
		US- 4525166	06-25-1985	Leclerc	Column 5-6
		US- 4525374	06-25-1985	Vailancourt	
		US- 4540412	09-10-1985	Van Overloop	Column 2
		US- 4543100	09-24-1985	Brodsky	Fig. 4
		US- 4551139	11-05-1985	Plaas et al.	C1, L 66 - C2, L68
		US- 4569348	02-11-1986	Hasslinger	C2, L50 - C4, L 27
		US- 4605399	08-12-1986	Weston et al.	Fig. 3
		US- 4608041	08-26-1986	Nielson	
		US- 4640688	02-03-1987	Hauser	Fig. 2
		US- 4655754	04-07-1987	Richmond et al.	Column 1, Line 39-44
		US- 4733659	03-29-1988	Edenbaum et al.	Fig. 1
		US- 4743232	05-10-1988	Kruger	Figs. 2-4

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		PCT/GB98/02713	09-09-1998	KCI Medical Ltd		
		AU-745271	03-14-2002	KCI Medical Ltd		
		SG-71559	04-16-2002	KCI Medical Ltd		
		GB-2,329,127 B	08-16-2000	KCI Medical Ltd		
		GB-2,333,965 A	08-11-1999	KCI Medical Ltd		
		AU-755396	12-12-2002	KCI Medical Ltd		

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**INFORMATION DISCLOSURE
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Sheet **3** of **7**

Application Number	09/458,280
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First Named Inventor	VOGEL, Richard C.
Art Unit	3764
Examiner Name	DEMILLE, Danton D.

Attorney Docket Number **VAC.331A.US****U. S. PATENT DOCUMENTS**

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		US- 4787888	11-29-1988	Fox	Figs. 1, 4-6
		US- 4826949	05-02-1989	Richmond et al.	Column 1
		US- 4838883	06-13-1989	Matsuura	Fig. 7
		US- 4840187	06-20-1989	Brazier	Column 2, Line 34-42
		US- 4863449	09-05-1989	Therriault et al.	Column 3, Line 45-68
		US- 4872450	10-10-1989	Austad	Column 3-4
		US- 4878901	11-07-1989	Sachse	
		US- 4897081	01-30-1990	Poirier et al.	C3, L25 - C4
		US- 4906233	03-06-1990	Moriuchi et al.	Abstract
		US- 4906240	03-06-1990	Reed et al.	Fig. 1
		US- 4919654	04-24-1990	Kalt	Column 3, Line 8-39
		US- 4941882	07-17-1990	Ward et al.	Column 3, Line 38-64
		US- 4953565	09-04-1990	Tachibana et al.	Fig. 1
		US-			
		US- 4985019	01-15-1991	Michelson	Column 1, Line 47-58
		US- 5037397	08-06-1991	Kalt et al.	Figs. 1, 2, 4, 6
		US- 5100396	03-31-1992	Zamierowski	Figs. 1-10
		US-			
		US- 5167613	12-01-1992	Karami et al.	Figs. 4-5

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		GB-692,578	06-10-1953	Minnesota Min..		
		WO 80/02182	10-16-1980	Moss, James		
		WO/94/20041	09-15-1994	WFU/Argenta, L.		
		DE-295 04 378 U1	09-14-1995	MTG		
		DE-43 06 478 A1	09-08-1994	Wagner, W.		
		CA-2005436	06-30-1990	Kalt, Glenda G.		

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Sheet 4 of 7

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		US- 5176663	01-05-1993	Svedman et al	C1, L55 - C2, L8
		US- 5232453	08-03-1993	Plass et al.	Fig. 2, 5
		US- 5261893	11-16-1993	Zamierowski	Figs. 1, 13, 16
		US- 5298015	03-29-1994	Komatsuzaki et al.	Abstract
		US- 5344415	09-06-1994	Debusk et al.	Column 2, Line 9 -42
		US- 5358494	10-25-1994	Svedman	Column 2, Line 34-47
		US- 5527293	06-18-1996	Zamierowski	C11, L 62 - C12, L37
		US- 5556375	09-17-1996	Ewall	C3, L62 - C4, L65
		US- 5607388	03-04-1987	Ewall	Column 3-4
		US- 5636643	06-10-1997	Argenta et al.	C6, Lines 18 - 64
		US- 5645081	07-08-1997	Argenta et al.	C4, L28 - C5, L22
		US- 6071267	06-06-2000	Zamierowski	Figs. 1-3
		US- 6135116	10-24-2000	Vogel et al.	Column 9
		US- 20020115951 A1	08-22-2002	Norstream et al.	
		US- 20020120185 A1	08-29-2002	Johnson	Fig. 3
		US- 20020143286 A1	10-03-2002	Tumey	Paragragh 26
		US- 6488643	12-03-2002	Tumey et al.	
		US- 6493568	12-10-2002	Bell, et al.	
		US- 4,233,969	11-18-1980	Lock, et al.	C2, Lines 25 - 53

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 93/09727				
		GB-2 197 789 A	06-02-1988	Smith Industrie		
		EP-0358 302	03-14-1990	Smith Industrie		
		DE 26 40 413 A1	03 09 1978	Wolf, Richard		

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Sheet 5 of 7

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		Number-Kind Code ² (if known)			
		US- 5,437,622	08-01-1995	Carion, Jean-Pierre	
		US- 6,345,623	02-12-2002	Heaton, K., et al	
		US- 6,553,998	04-29-2003	Heaton, K., et al	
		US- 6,814,079	11-09-2004	Heaton, K., et al	
		US- 5,437,651	08-01-1995	Todd, R., et al	
		US- 5,549,584	08-27-1996	Gross, James R.	
		US- 5,134,994	08-04-1992	Say, Sam L.	
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		US- 3,520,300	07-14-1970	Flower, Guiles	
		US- 4,758,220	07-19-1988	Sundblom, L., et al	
		US- 5,279,550	01-18-1994	Habib, Magdi, et al	
		US- 5,092,858	03-03-1992	Benson C.D., et al	
		US- 5,086,170	02-04-1992	Luheshi A., et al	
		US- 5,278,100	01-11-1994	Doan, T., et al	
	US-				

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		Art Unit	3764		
		Examiner Name	DEMILLE, Danton D.		
Sheet	6	of	7	Attorney Docket Number	VAC.331A.US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
		LOUIS C. ARGENTA, MD and MICHAEL J. MORYKwas, PHD; Vacuum-Assisted Closure: A New Method for Wound Control and Treatment: Clinical Experience; Annals of Plastic Surgery, ...		
		SUSAN MENDEZ-EASTMAN, RN; When Wounds Won't Heal, RN January 1998, Volume 61(1); Medical Economics Company, Inc., Montvale, NJ, USA.		
		JAMES H. BLACKBURN, II, MD. et al; Negative-Pressure Dressings as a Bolster for Skin Grafts; Annals of Plastic Surgery, Volume 40, Number 5, May 1998, pages 453-457;		
		JOHN MASTERS; Letter to the editor; British Journal of Plastic Surgery, 1998, Volume 51(3), page 267; Elsevier Science/The British Association of Plastic Surgeons, UK		
		S.E. GREER, et al; The Use of Subatmospheric Pressure Dressing Therapy to Close Lymphocutaneous Fistulas of the Groin; British Journal of Plastic Surgery (2000), 53		
		GEORGE V. LETSOU, M.D., et al; Stimulation of Adenylate Cyclase Activity in Cultured Endothelial Cells Subjected to Cyclic Stretch; Journal of Cardiovascular Surgery, 31, 1990		
		PCT International Search Report; PCT international application PCT/GB98/02713; June 8, 1999		
		PCT Written Opinion; PCT international application PCT/GB98/02713; June 8, 1999		
		PCT International Examination and Search Report, PCT international application PCT/GB96/02802; Jan. 15, 1998 and April 29, 1997		
		PCT Written Opinion, PCT international application PCT/GB/96/02802; September 3, 1997		

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Substitute for form 1449/PTO		Application Number	09/458,280		
		Filing Date	December 10, 1999		
		First Named Inventor	VOGEL, Richard C.		
		Art Unit	3764		
		Examiner Name	DEMILLE, Danton D.		
Sheet	7	of	7	Attorney Docket Number	VAC.331A.US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
		KOSTYUCHENOK, B.M, et al. ; Vacuum Treatment in the Surgical Management of Purulent Wounds; Vestnik Khirurgi, September 1986		
		DAVYDOV, Yu. A., et al; Vacuum Therapy in the Treatment of Purulent Lactation Mastitis; Vestnik Khirurgi, September 1986		
		YUSUPOV, Yu. N., et al; Active Wound Drainage, Vestnik Khirurgi, Vol. 138, Issue 4, 1987.		
		DAVYDOV, Yu. A., et al; Bacteriological and Cytological Assessment of Vacuum Therapy of Purulent Wounds; Vestnik Khirurgi, October 1988		
		DAVYDOV, Yu. A., et al; Concepts For the Clinical-Biological Management of the Wound Process in the Treatment of Purulent Wounds by Means of Vacuum Therapy; Vestnik Khirurgi		
		Internation Search Report for PCT international application PCT/ GB95/01983; November 23, 1995		
		Patent Abstract of Japan; JP4129536; Terumo Corporation; April 30, 1992		

Examiner Signature	Date Considered
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